

REMARKS

Reconsideration of the above identified application is respectfully requested. Claim 12 is amended and Claims 59-73 are added by way of this amendment. Claims 1-73 are pending in this application by way of this amendment. Claims 1-5, 7, 9-14, 16-29, 31-42, 44-52, 54 and 56-58 were rejected in an Office Action dated March 27, 2003 (hereinafter "Office Action"). Claims 6, 8, 15, 30, 43, 53, and 55 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

I. Claim Rejections Under 35 U.S.C. § 112

Claim 12 was rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants thank Examiner for pointing out this typographical error which has been corrected by way of claim amendments proposed herein.

II. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-5, 7, 9-14, 18-29, 31-42, 44-52, 54 and 56-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,483,769 issued to Zweili (hereinafter "Zweili") in view of U.S. Patent No. 6,032,416 issued to Springer *et al.* (hereinafter "Springer"). Although applicants agree with Examiner that Zweili fails to disclose a latch assembly and a sensor assembly, applicants respectfully disagree with the Office Action's contention that the above listed Claims are unpatentable over Zweili in view of Springer.

Amended Claim 1 recites "a plug assembly operable to actuate the sliding door between a plugged position and an unplugged position by *rotating the sliding door about a pivot axis.*" [Emphasis added]. The Office Action states that "link arms (88 and 90) of Zweili *rotate* the door(s)" from a plugged to an unplugged position. [Emphasis added]. Applicants respectfully

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

disagree. Although the link arms (88 and 90) of the plug assembly of Zweili do rotate, the rotation of the link arms in coordination with other components of the plug assembly results in linear (not rotational) motion of the door in a transverse direction (outward from the opening) whereas in recited Claim 1 the door is rotated about a pivot axis between the plugged and unplugged positions. The linear motion of the doors of Zweili during plugging operations is evidenced by the arrows depicted on doors 5 and 7 of FIGURES 2 and 6, and from examination of the specification. For instance, when the doors are transitioned from the plugged position depicted in FIGURE 6 to the unplugged position depicted in FIGURE 5, it is evident that the doors are linearly displaced and not unplugged by "rotating the sliding door about a pivot axis" as claimed.

Likewise, Springer also fails to at least teach a "plug assembly operable to actuate the sliding door between a plugged position and an unplugged position by rotating the sliding door about a pivot axis." Springer, first of all, does not teach a plug assembly, since the doors 20 and 110 of Springer are simply linearly actuated in front of an opening 12 in the vehicle, and are not plugged within the opening. Further, inasmuch as Springer only teaches the linear actuation of the doors 20 and 110 between open and closed position, Springer fails to teach or suggest "a plug assembly operable to actuate the sliding door between a plugged position and an unplugged position by *rotating* the sliding door about a *pivot axis*." [Emphasis added].

In summary, as stated above, neither Zweili or Springer teach or suggest "a plug assembly operable to actuate the sliding door between a plugged position and an unplugged position by rotating the sliding door about a pivot axis." Therefore, Zweili and/or Springer do not teach individually or in combination, each and every element of Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Inasmuch as all

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{llc}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

elements of Claim 1 are not taught or suggested by Zweili or Springer, individually or in combination, applicants submit that the rejection of Claim 1 under 35 U.S.C. § 103(a) should be withdrawn. Inasmuch as independent Claims 2, 24, 37, and 47 also contain the identical limitations argued above with respect to Claim 1, applicants submit that the rejection to these claims should be withdrawn for at least the same reasons argued for Claim 1. If an independent claim is nonobvious under 35 U.S.C. § 103, than any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, inasmuch as Claims 3-5, 9-14, 18-23, 25-29, 31-36, 38-42, 44-46, 48-52, 54, and 56-58 are dependent upon one of allowable independent Claims 2, 24, 37, or 47, the rejections to these claims under 35 U.S.C. § 103(a) should also be withdrawn.

Claims 2, 13, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Springer in view of Zweili. Although applicants agree with Examiner that Springer fails to disclose a plug assembly for configuring the doors between a plugged and unplugged position, applicants respectfully disagree with the Office Action's contention that the Claims are unpatentable over Springer in view of Zweili.

Independent Claim 2 contains the identical limitations argued above with respect to Claim 1. Therefore, for at least the same reasons argued above for Claim 1, applicants submit that the rejection to Claim 2 should be withdrawn. Further, inasmuch as Claims 13, 16, and 17 are dependent upon allowable Claim 2, the rejections to these claims under 35 U.S.C. § 103(a) should also be withdrawn.

III. New Claims

Applicant thanks Examiner for acknowledging the allowability of Claims 6, 8, 15, 30, 43, 53, and 55 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New Claims 59, 62, and 65 are Claims 6, 8, and 15, respectively,

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, applicants submit that new Claims 59, 62, and 65, and those that depend therefrom, are allowable over the prior art.

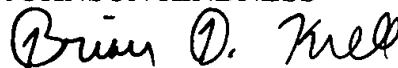
New Claims 69-73 depend from one of independent Claims 1, 2, 24, 37, and 47, and are patentable over the prior art for reasons in addition to those demonstrated above for the independent claims from which they depend. More specifically, the dependent claims recite that the pivot axis is substantially restrained from movement during the rotation of the door from the plugged to the unplugged positions. By restraining the pivot axis from movement during the plugging and unplugging operations, the door is impeded from being linearly displaced during plugging operations, thus potentially preventing injuries.

CONCLUSION

In view of the foregoing remarks and amendments, applicants respectfully submit that the present application is in condition for allowance. Reconsideration and reexamination for the application, as amended, and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact applicants' undersigned attorney at the number below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Brian D. Krell
Registration No. 51,899
Direct Dial No. 206.695.1638

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 6/27/03



BDK:lls

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100